

FILED	ED
ENTERED	SERIALIZED
COUNSEL/PARTIES OF RECORD	
FEB - 5 2015	
CLERK US DISTRICT COURT	
DISTRICT OF NEVADA	
BY:	DEPUTY

1 Joseph Eugene Piovo
 2 1853 Indian Bend Drive
 3 Henderson, Nevada 89074
 4 702-897-2602
 5 viceroyuncci@gmail.com

5
 6 UNITED STATES DISTRICT COURT
 7 DISTRICT OF NEVADA

8 Joseph Eugene Piovo, Sui juris, Individually and)
 9 as Beneficiary of Vice Roy United Nations Credit)
 10 and Commerce International Blind Trust)
 11 1853 Indian Bend Drive)
 12 Henderson, Nevada 89074)
 13 APN:178-17-911-009)
 14 Plaintiffs,)
 15 vs.)
 16 ROBERT STONE;)
 17 RONALD A. COLQUITT;)
 18 MICHELLE WILSON;)
 19 ANTONIETA TOVAR-GUZMAN;)
 20 SHAUNA S. BRENNAN;)
 21 CBSK FINANCIAL GROUP, INC.;)
 22 CHICAGO TITLE;)
 23 MORTGAGE ELECTRONIC REGISTRATION)
 24 SYSTEMS, INC.; A/K/A MERS;)
 25 MERSCORP HOLDINGS, INC.; A/K/A)
 26 MERSCORP, INC.;)
 27 U.S. BANK NATIONAL ASSOCIATION, AS)
 28 TRUSTEE, SUCCESSOR IN INTEREST TO)
 BANK OF AMERICA, NATIONAL)
 ASSOCIATION AS SUCCESSOR BY MERGER)
 TO LASALLE BANK NATIONAL)
 ASSOCIATION, AS TRUSTEE FOR)
 CERTIFICATEHOLDERS OF BEAR STERNS)
 ASSET BACKED SECURITIES I LLC, ASSET)
 BACKED CERTIFICATES, SERIES 2006-HE8;)
 Does 1-100 inclusive;)
 Defendants.)

No. 2:13-CV-01922-APG-GWF

REQUEST TO ENTER DEFAULT
 AGAINST DEFENDANT CBSK
 FINANCIAL GROUP, INC.

1 TO THE CLERK OF THE COURT:

2 Please enter Default against Defendant CBSK FINANCIAL GROUP, INC. (hereinafter "CBSK")
3 as provided by Fed. R. Civ. P. 55(a) as it failed to plead or otherwise defend pursuant to Fed. R.
4 Civ. P. 12(a)(1)(A)(i). In support of this request, please see affidavit/proof of service Doc 148.

5 Declaration of Joseph Eugene Pivo, Pursuant to 28 U.S.C. § 1746.

6 Comes now Joseph Eugene Pivo Plaintiff, and pursuant to 28 U.S.C. 1746 hereby declares as
7 follows:

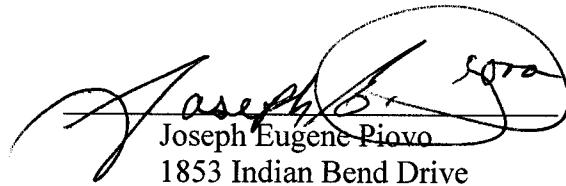
8

- 9 1. On December 30, 2014, the Court granted Plaintiff's Motion for Alternative Service of the
- 10 Summons and Second Amended Complaint by mail to Defendant CBSK by serving the
- 11 officers of CBSK Charles Brent McElwee and Cynthia McElwee, President and Secretary
- 12 respectively. (Doc 147)
- 13
- 14 2. On January 12, 2015, Plaintiff effected service by certified mail on said officers which
- 15 were each personally served at their residence located at 33 Sarazen Lane, Trabuco
- 16 Canyon, CA 92679-5007 with the Summons and Complaint. The return of service was
- 17 filed with the court on January 13, 2015, Doc 148 Proof of Service.
- 18
- 19 3. United States Post Office shows signed delivery of the summons and Second Amended
- 20 Complaint to both Charles Brent McElwee and Cynthia McElwee on January 16, 2015.
- 21
- 22 4. Defendant's officers acknowledged the receipt of service by sending a letter to Plaintiff,
- 23 the letter is attached herewith as Exhibit A.
- 24
- 25 5. Under Fed. R. Civ. P. 12(a)(1)(A)(i), Defendant was required to serve an answer or
- 26 otherwise plead by February 2, 2015 and failed to do so.
- 27
- 28 6. Rule 55(a) provides as follows:
 - (a) Entering a Default.

1 "When a party against whom a judgment for affirmative relief is sought has failed
2 to plead or otherwise defend, and that failure is shown by affidavit or otherwise,
the clerk must enter the party's default."

3 I declare under penalty of perjury that the foregoing is true and correct.
4

5
6 Dated: February 6, 2015
7
8
9



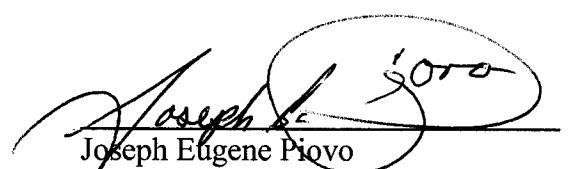
Joseph Eugene Piovo
1853 Indian Bend Drive
Henderson, Nevada 89074
702-897-2602
viceroyuncci@gmail.com

10
11
12 **CERTIFICATE OF SERVICE**

13 I hereby certify that on the 6th day of February, 2015, I have caused to be mailed via Regular Mail
14 by United States Postal Service the foregoing Request to Enter Default to the following
15 participants at the addresses listed below:

16 Ronald A. Colquitt
17 321 S. Casino Center Blvd., #112
18 Las Vegas NV 89101
February 6, 2015

19 February 6, 2015
20



Joseph Eugene Piovo
1853 Indian Bend Drive
Henderson, Nevada 89074
702-897-2602
viceroyuncci@gmail.com

1/19/2015

Joseph Eugene Piovo,

Charles McElwee is in receipt of your lawsuit. I regret to inform you that CBSK Financial Group Inc. dba American Home Loans is a closed company and all records were destroyed/shredded. Furthermore neither Cynthia McElwee nor Charles McElwee have any knowledge of this or any loan transactions, as we were corporate officers and not involved with the individual loans or individual loan transactions. I am sorry that We cannot answer any questions regarding any loans.

Charles McElwee and Cynthia McElwee filed for personal Bankruptcy protection under Chapter 7 and it was Discharged on February 9, 2012 reliving them of all lawsuits and liabilities. Attached is a copy of the discharged Bankruptcy chapter 7.




Exhibit A

Case 8:11-bk-24817-RK Doc 22 Filed 02/09/12 Entered 02/09/12 14:58:42 Desc
B18 (Official Form 18)(12/11) Discharge of Debtor (Ch 7) Page 1 of 2

**United States Bankruptcy Court
Central District Of California**

411 West Fourth Street, Suite 2030, Santa Ana, CA 92701-4593

DISCHARGE OF DEBTOR

DEBTOR INFORMATION:

Charles Brent McElwee
aka Brent McElwee

BANKRUPTCY NO. 8:11-bk-24817-RK

CHAPTER 7

Last four digits of Social-Security or Individual Taxpayer-Identification (ITIN) No(s)., (if any): xxx-xx-9577
Employer Tax-Identification (EIN) No(s).(if any): N/A
Debtor Discharge Date: 2/9/12

JOINT DEBTOR INFORMATION:

Cynthia Rose McElwee
aka Cyndi McElwee

Last four digits of Social-Security or Individual Taxpayer-Identification (ITIN) No(s)., (if any): xxx-xx-0189
Employer Tax-Identification (EIN) No(s).(if any): N/A
Joint Debtor Discharge Date: 2/9/12

Address:

26121 Calle Roberto
San Juan Capistrano, CA 92675

It appearing that the debtor is entitled to a discharge, IT IS ORDERED: The debtor is granted a discharge under section 727 of title 11, United States Code, (the Bankruptcy Code). SEE THE BACK OF THIS ORDER FOR EXCEPTIONS AND OTHER IMPORTANT INFORMATION.

BY THE COURT,

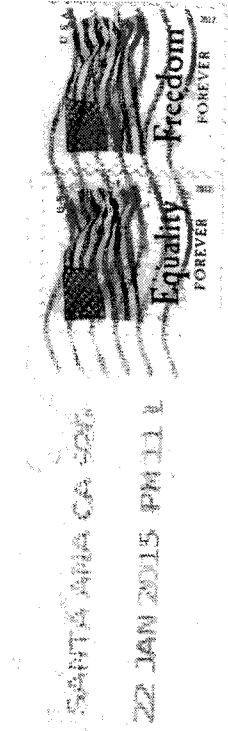
Dated: February 9, 2012

Kathleen J. Campbell
Clerk of the Court

** Set forth all names, including trade names, used by the debtor(s) within the last 8 years. For joint debtors, set forth the last four digits of both social-security numbers or individual taxpayer-identification numbers.*

Exhibit A

Charles Brent McElwee, President
CBSK FINANCIAL GROUP, INC.
33 Sarazen Lane,
Trabuco Canyon, CA 92679-5007



Joseph Eugene Piovo
1853 Indian Bend Drive
Henderson, Nevada 89074

Exhibit A

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